



**TERMINAL DISCLAIMER UNDER 37 CFR 1.321(b) PATENT 10/767,183**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: **Robert E. Mitchell**

Art Unit: **3722**

Application No. **10/767,183**

Examiner: **Willmon Fridie Jr.**

Filed: **January 29, 2004**

For: **Advertising Materials and Method for Cooperative Promotions**

Attorney Docket No. **03,139**

**TERMINAL DISCLAIMER UNDER 37 CFR 1.321(b)**

Assignee, **Adams Enterprises, Inc.**, is the owner of 100 percent interest in the above-identified application (hereinafter "the **present application**").

Pursuant to 37 CFR 3.73(b), the assignment of the **present application** from the inventors, or chain of title from the inventors, to the Assignee was recorded in the Patent and Trademark Office at Reel **015525**, Frame **0674**, on **June 30, 2004**.

Also, pursuant to 37 CFR 3.73(b), the undersigned has reviewed all the evidentiary documents accompanying or referred to in this Terminal Disclaimer and, to the best of the undersigned's knowledge and belief, certifies that title is in the Assignee.

Assignee, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the **present application** that would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173 of U.S. Patent No. **6,340,179** that issued to Robert E. Mitchell on January 22, 2002, (hereinafter "the **prior patent**"), as shortened by any terminal disclaimer filed prior to the grant of the **prior patent**. Assignee further agrees that any patent granted on the **present application** shall be enforceable only for and during such period that its legal title is the same as the legal title to the **prior patent**, this agreement to run with any patent granted on the **present application** and to be binding upon the grantee, its successors, and assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the **present application** that would extend to the expiration date of the full statutory term of the **prior patent** as defined in 35 USC 154 to 156 and 173 in the



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event the prior patent terminates prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to the grant of the patent. Examples of such non-applicable termination of the prior patent are as follows: (1) prior patent expires for failure to pay a maintenance fee, (2) prior patent is held unenforceable, (3) prior patent is found invalid by a court of competent jurisdiction, (4) prior patent is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, (5) prior patent has all claims canceled by a reexamination certificate or reissuance, and (6) prior patent is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In making this disclaimer, Assignee reserves the right to extend the term of any patent granted on the present application for a period of delay, in the event the delay is defined by statute and/or regulation as allowing, or providing for, an extension of term. This right is reserved in the event the prior patent terminates, or does not terminate, prior to the expiration of its full statutory term. Examples of such a delay include regulatory delay, and delay due to appellate review.

The undersigned is empowered to act on behalf of the Assignee.

The fee of \$65.00 required by 37 CFR 1.20(d) is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent thereon.

Dated: 11/4/05

Sandy Mitchell

Adams Enterprises, Inc.